

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division  
Civil Case Action No. 7:21-cv-00549-MFU

DENIECE PAGANS, JANET SWEET, SAFI  
M. RIAZ, BESSIE M. MCADAMS, KEITH  
O. EDWARDS and PETER H. DARGEL,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

ADVANCE STORES COMPANY,  
INCORPORATED and THE  
RETIREMENT COMMITTEE OF  
ADVANCE AUTO PARTS, INC. 401(k)  
PLAN,

Defendants.

**SECOND JOINT MOTION TO EXTEND  
FACT DISCOVERY AND ATTENDANT  
DEADLINES TO PARTICIPATE IN  
MEDIATION**

**NOW COME** Plaintiffs, Janet Sweet, Safi M. Riaz, Bessie M. McAdams, Keith O. Edwards, and Peter H. Dargel, individually and on behalf of all others similarly situated (“Plaintiffs”) and Defendants, Advance Stores Company, Incorporated (“Advance”) and The Retirement Committee of Advance Auto Parts, Inc. 401(k) Plan (the “Committee”) (collectively, “Defendants”), (together, the “Parties”), by and through their respective counsel, and respectfully request that the Court extend the Deadline to Complete Fact Discovery and all attendant deadlines by sixty (60) days so that the Parties can participate in mediation on October 19, 2023.

1. This is the Parties’ second request for an extension of the Scheduling Order deadlines.
2. The Court entered the Original Scheduling Order on January 24, 2023 (Dkt. 39).
3. While engaged in discovery, the Parties conferred and agreed to attempt to resolve the case through mediation.

4. The Parties then filed a Joint Motion to Extend Fact Discovery and Attendant Deadlines to allow time to mediate the case while conserving both the Parties' and Court's resources (Dkt. 59). In the Joint motion, the Parties requested to extend the Deadline to Complete Fact Discovery by ninety (90) days from July 21, 2023 to October 19, 2023. *Id.*

5. On July 25, 2023, the Court granted the Parties' Joint Motion modifying the Scheduling Order (Dkt. 60). Accordingly, the Current Deadline to Complete Fact Discovery is October 19, 2023. *Id.*

6. Subsequently, the Parties and the mediator have conferred to schedule a date for the mediation; however, the mediator's earliest availability for mediation is mid-October.

7. The Parties and the mediator have agreed to mediate the case on October 19, 2023, which is the same date as the Current Deadline to Complete Fact Discovery.

8. Accordingly, Parties are requesting an extension of the Deadline to Complete Fact Discovery by sixty (60) days from October 19, 2023 to December 18, 2023 to allow time to mediate the case while conserving both the Parties' and Court's resources.

9. The requested extension will affect attendant scheduling deadlines as well. Accordingly, the Parties request the following modifications to the Scheduling Order:

Event	Current Deadline	Requested Deadline
Deadline To Complete Fact Discovery	October 19, 2023	December 18, 2023
Initial Expert Disclosures	November 20, 2023	January 19, 2024
Opposing Expert Disclosures	December 21, 2023	February 19, 2024
Rebuttal Expert Reports	January 22, 2024	March 22, 2024
Deadline To Complete Expert Discovery	March 14, 2024	May 13, 2024
Deadline To File Dispositive Motions	May 1, 2024	July 1, 2024
Opposition To File Dispositive Motions	June 3, 2024	August 2, 2024
Reply In Support of Dispositive Motions	July 2, 2024	September 2, 2024
Deadline For Hearing Dispositive Motions	July 29, 2024, at 9:30 am via zoom	September 27, 2024, at 9:30 am via zoom
Deadline For Hearing Motions In Limine	To Be Determined	To Be Determined

Final Pretrial Conference	November 6, 2024, at 9:30 am via zoom	January 6, 2025, at 9:30 am via zoom
Trial	December 9, 2024, at 9:30 am	February 7, 2025, at 9:30 am

10. The Parties make this motion in good faith for the purpose of attempting to efficiently resolve the case through mediation, and if not successful, to complete needed discovery. Accordingly, this motion is not for the purpose of delay.

WHEREFORE, the Parties respectfully request that this Court modify the Scheduling Order to grant an extension of Deadline to Complete Fact Discovery by sixty (60) days from October 19, 2023 until December 18, 2023, and modify the attendant deadlines affected by this change, as set forth above and the attached proposed Amended Scheduling Order.

Date: August 23, 2023

Respectfully submitted,

**CAPOZZI ADLER, P.C.**

/s/ Mark K. Gyandoh

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